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2004 Regular Session 4lr0708

(PRE-FILED)

By: **Delegate Impallaria** Requested: October 9, 2003

Introduced and read first time: January 14, 2004

Assigned to: Appropriations

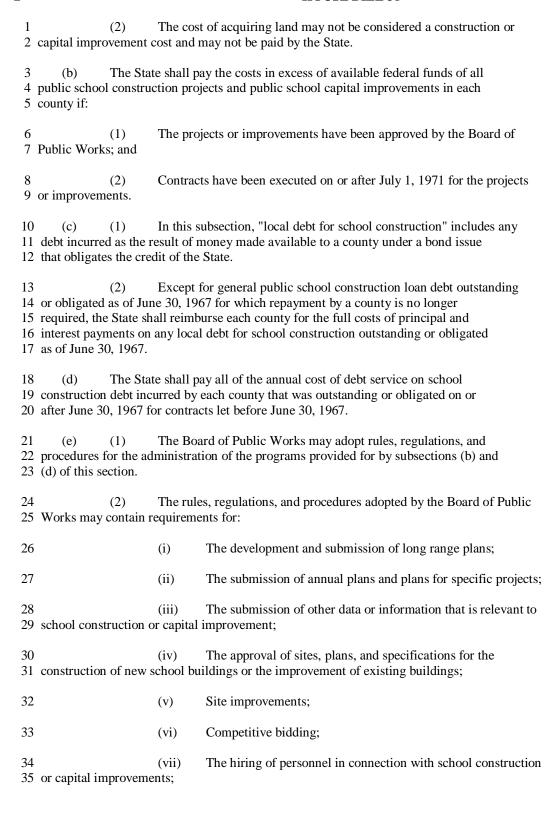
A BILL ENTITLED

	ΔN	Δ ("I"	concerning
1	/ 11 A	Λ CI	concerning

2	Education - Public School	Construction - Plans and	Specifications

- 3 FOR the purpose of providing that certain plans and specifications for a school
- 4 construction project or capital improvement are the exclusive property of the
- 5 county board that commissioned the plans and specifications; authorizing a
- 6 county board to use, sell, or otherwise convey, subject to a fee limitation, certain
- 7 school construction or capital improvement plans and specifications; providing
- 8 that the authority to use, sell, or otherwise convey certain plans and
- 9 specifications for a school construction project or capital improvement is
- 10 exclusive to the county board that commissioned the original plans and
- specifications, and that that authority supersedes any claim or right to the
- 12 contrary asserted by any other person or entity; providing for the application of
- this Act; and generally relating to the use, sale, or other conveyance by a county
- board of the plans and specifications for a school construction project or capital
- improvement.
- 16 BY repealing and reenacting, with amendments,
- 17 Article Education
- 18 Section 5-301
- 19 Annotated Code of Maryland
- 20 (2001 Replacement Volume and 2003 Supplement)
- 21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 22 MARYLAND, That the Laws of Maryland read as follows:
- 23 Article Education
- 24 5-301.
- 25 (a) (1) For the purposes of this section other than subsection (c), the Board
- 26 of Public Works shall define by regulation what constitutes an approved public school
- 27 construction or capital improvement cost.

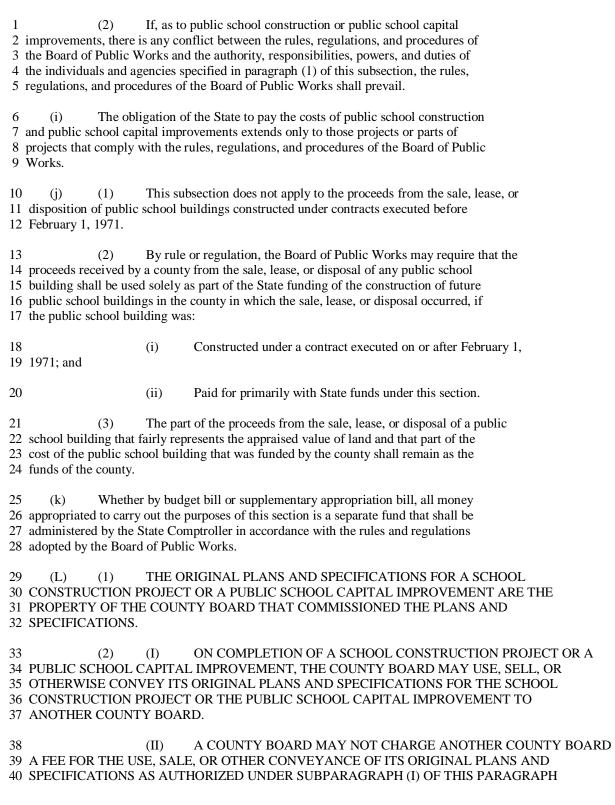
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1 2	improvements;	(viii)	The actual construction of school buildings or their				
	agencies in the planni improvements; and	(ix) ng and co	The relative roles of different State and local governmental onstruction of school buildings or school capital				
6 7	appropriate for the pro	(x) oper impl	School construction and capital improvements necessary or ementation of this section.				
10 11 12	Board of Public Works shall provide for the maximum exercise of initiative by school personnel in each county to insure that the school buildings and improvements meet both the needs of the local communities and the rules and regulations necessary to insure the proper operation of this section and the prudent expenditure of State funds.						
	(f) (1) procedures authorize county boards and th	d by this	ard of Public Works shall develop the rules, regulations, and section in consultation with representatives of the governing bodies.				
		section, t	he adoption, amendment, or repeal of any rule, regulation, or the Board of Public Works shall give notice of its poards and to the county governing bodies.				
20 21	(3) county governing boo		ard of Public Works shall permit each county board and mit its views with respect to the intended action.				
24	2 (g) The rules, regulations, and procedures of the Board of Public Works 3 adopted under this section and their promulgation are exempt from §§ 10-101 4 through 10-305 of the State Government Article and § 8-127(b) of the State Finance 5 and Procurement Article of the Code.						
28	(h) (1) With respect to public school construction or public school capital improvements, including sites for school buildings, the authority, responsibilities, powers, and duties of the following are subject to the rules, regulations, and procedures adopted by the Board of Public Works under this section:						
30		(i)	The State Board;				
31		(ii)	The State Superintendent;				
32		(iii)	The county governments;				
33		(iv)	The county boards; and				
34 35	article.	(v)	All other State or local governmental agencies under this				

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- $1\,$ THAT IS GREATER THAN 50% OF THE COST TO THE COUNTY BOARD FOR THE
- 2 ORIGINAL PLANS AND SPECIFICATIONS.
- 3 (3) THE AUTHORITY GRANTED TO A COUNTY BOARD UNDER THIS
- 4 SUBSECTION TO USE, SELL, OR OTHERWISE CONVEY ITS ORIGINAL PLANS AND
- 5 SPECIFICATIONS FOR A SCHOOL CONSTRUCTION PROJECT OR A PUBLIC SCHOOL
- 6 CAPITAL IMPROVEMENT TO ANOTHER COUNTY BOARD:
- 7 (I) IS THE EXCLUSIVE AUTHORITY OF THE COUNTY BOARD THAT 8 COMMISSIONED THE ORIGINAL PLANS AND SPECIFICATIONS: AND
- 9 (II) SUPERSEDES ANY CONTRACT OR RIGHT TO THE CONTRARY 10 ASSERTED BY ANY OTHER PERSON OR ENTITY.
- 11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act:
- 12 (1) shall apply only to the preparation and development of original plans
- 13 and specifications for a school construction project or a public school capital
- 14 improvement for which a county board executes a contract on or after the effective
- 15 date of this Act; and
- 16 (2) may not be applied to any original plans and specifications for a
- 17 school construction project or a public school capital improvement for which a county
- 18 board executed a contract prior to the effective date of this Act.
- 19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 20 October 1, 2004.